

10-32. Cancelled.

REMARKS/ARGUMENTS

Claims 1-10 and 32 were pending. By virtue of the present amendment, claims 10 and 32 have been cancelled, and therefore, claims 1-9, which have been allowed, are pending.

Ownership and New Power of Attorney

By virtue of an assignment dated January 5, 2005, Wyeth is the current owner of this application. It was assigned by Oscent Pharmaceuticals Corporation, formerly known as Genome Therapeutics Corporation. This assignment was filed with the United States Patent & Trademark Office on January 27, 2005. A copy is enclosed.

Also enclosed are forms PTO/SB/82 (09-04) providing a New Power of Attorney and PTO/SB/96 (09-04) providing a Statement Under 37 CFR 3.73(b), together with copies of the required assignments.

Claim Objection

Claim 10 is objected to because of the following informality: "isolated nucleotide acid" in line 1. Cancellation of claim 10 renders this objection moot.

Claim Rejection – 35 USC §112, second paragraph

Claims 10 and 32 stand rejected as being indefinite. The Examiner alleges that these claims are confusing because it cannot be determined what is required by conditions of "high stringency." To expedite prosecution, Applicant has cancelled claims 10 and 32, thereby rendering this rejection moot.

Claim Rejections - 35 USC §112, first paragraph

Claims 10 and 32 stand rejected as failing to comply with the written description requirement. The Examiner alleges that the genus of nucleic acids which hybridize under high stringency conditions to the nucleic acid of SEQ ID NO:1835 is not adequately described. To expedite prosecution, Applicant has cancelled claims 10 and 32, thereby rendering this rejection moot.

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Claims 10 and 32 stand rejected as failing to comply with the enablement requirement. The Examiner alleges that the specification, while being enabling for SEQ ID NO:1835, does not reasonably provide enablement for the genus of nucleic acids that hybridize under high stringency conditions to SEQ ID NO:1835. To expedite prosecution, Applicant has cancelled claims 10 and 32, thereby rendering this rejection moot.

Based on the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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